



11-15-06

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Attorney Docket No.: 6809.230-US

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Igor Gonda et al.

Confirmation No.: 6533

Application No.: 10/768,371

Group Art Unit: 3743

Filed: January 30, 2004

Examiner: Lewis, Aaron J.

For: A Method Of Treating Diabetes Mellitus In A Patient

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

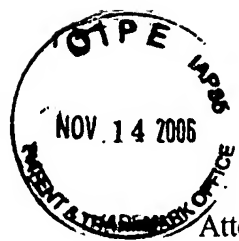
Sir:

In accordance with 37 C.F.R. 1.56, 1.97 and 1.98, Applicants submit herewith references which they believe may be material to the patentability of this application and with respect to which there may be a duty to disclose in accordance with 37 C.F.R. 1.56.

Applicants' attorney wishes to make the Examiner aware of the following co-pending applications which may be related to the instant application: 09/848774, 10/768371, 11/130986, 11/284579, 11/345061, and PCTUS94/01000. Applicants' attorney also notes that application. Serial No. 09/848774 was appealed to the board of appeals and that a decision was rendered on September 7, 2006 affirming the Examiner's rejection of the pending claims and that that decision is the basis of a civil action pursuant to 35 USC 145, which was filed on November 7, 2006 in the United States District Court for the District of Columbia.

While the references may be "material" under 37 C.F.R. 1.56, it is not intended to constitute an admission that the references are "prior art" unless specifically designated as such.

The filing of this Information Disclosure Statement shall not be construed as a representation that no other material references than those listed exist or that a search has been conducted.



Attorney Docket No.: 6809.230-US

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Igor Gonda et al.

Serial No.: 10/768,371

Group Art Unit: 3761

Filed: January 30, 2004

Examiner: Lewis, Aaron J.

For: A Method Of Treating Diabetes Mellitus In A Patient

**CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)**

**Express Mail Label No.: EV 450790055 US**

**Date of Deposit: November 14, 2006**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached correspondence comprising:

1. Information Disclosure Statement (in duplicate)
2. Form PTO-1449
3. Copy of References

is being sent by Express Mail Label No. EV 450790055 US to:

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Commissioner for Patents  
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Alexandria, VA 22313-1450

on November 14, 2006

Rashida Haji  
(name of person mailing paper)

Rashida Haji  
(signature of person mailing paper)

FORM PTO-449  
 (Rev. 2-32)

 U.S. DEPARTMENT OF COMMERCE  
 PATENT AND TRADEMARK OFFICE

Atty. Docket No. 6809.230-US

Serial No. 10/768,371

 INFORMATION DISCLOSURE  
 STATEMENT BY APPLICANT

Applicant Igor Gonda et al.

(Use several sheets if necessary)

Filing Date January 30, 2004

Group 3761

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	6,737,045					
	5,394,866					
	5,192,548					
	5,458,135					
	4,790,305					
	5,363,842					
	5,167,506					
	3,362,405	1/1968				
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449  
(Rev. 2-32)U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

Atty. Docket No. 6809.230-US

Serial No. 10/768,371

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANTApplicant **Igor Gonda et al.**

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Filing Date **January 30, 2004**Group **3761**

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		4,294,624	10/1981				
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## FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	90/07351	01/08/90	WO				
	93/12823	12/18/92	WO				
	93/00951	07/02/92	WO				
	92/07599	10/25/91	WO				

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							YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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		<input checked="" type="checkbox"/> Laube, B.L. et al., JAMA, Vol. 269 (16), pp. 2106-9 (1993)
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		<input checked="" type="checkbox"/> Newman, S.P. et al., Thorax, Vol. 39, pp. 935-41 (1984)
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Inventors: Igor Gonda et al.  
Title: A Method Of Treating Diabetes Mellitus In A Patient  
Via Express Mail Label No.: EV 450790055 US

The references are listed in Form PTO-1449 which is in accordance with the requirements of M.P.E.P. 609. A copy of the International Patent references and article references is also enclosed. US Patent references are available at the United States Patent and Trademark Office.

The references are as follows:

1. US 6,737,045
2. US 5,394,866
3. US 5,192,548
4. US 5,458,135
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It is respectfully requested that these references be considered by the Patent and Trademark Office in its examination of the above-identified application and be made of record therein. The Examiner is also invited to contact the Undersigned if there are any questions concerning this paper or the attached references.

This information disclosure statement is being filed **after** the period set forth in 37 C.F.R. 1.97(b), but **before** the mailing date of any of a final action, a notice of allowance, or an action that otherwise closes prosecution.

Accompanying this information disclosure statement is the fee set forth in 37 C.F.R. § 1.17(p) (currently \$180.00). The Examiner is hereby authorized to charge Deposit Account No. 14-1447 in the amount of \$180.00. A duplicate of this charge directive is attached.

Respectfully submitted,

Date: November 14, 2006



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